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EXAMINER	
PESIN, BORIS M	

ART UNIT	PAPER NUMBER
2174	

DATE MAILED: 09/10/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/840,595	REDLICH ET AL.	
	Examiner	Art Unit	
	Boris Pesin	2174	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on *10 May 2004*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-51* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-51* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

This communication is responsive to Amendment A, filed 5/10/2004.

Claims 1-51 are pending in this application. Claims 1, 6, 9, 12, 15, 18, 22, 23, 30, and 36 are independent claims. In the Amendment A, claims 26-51 were added. This action is made Final.

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 35, 41, 45, and 47 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

The specification does not mention the use of digital cameras.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 3, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 26, 27, and 28 are rejected under 35 U.S.C. 102(b) as being anticipated by Planet 9 studios.

In regards to claim 1, Planet 9 studios discloses a method for generating a photorealistic, 3-d model of the entity, wherein the photorealistic, 3-d model corresponds to a physical structure of the entity and includes information for rendering a graphical representation of the entity (See Figure 1). They further disclose a method for receiving at least one navigation parameter, wherein the navigation parameter corresponds to an orientation of the entity (See Figure 1, Element 1). They further disclose a method for receiving at least one interaction parameter, wherein the interaction parameter corresponds to an action relative to the entity (See Figure 1, Element 2). They further disclose a method for displaying a photorealistic, 3-d image of the entity as a function of the navigation parameter, the interaction parameter, and the information for rendering a graphical representation of the entity (See Figure 1).

In regards to claim 2, Planet 9 Studios discloses that the interaction parameter corresponds to a trip planning action (See figure 1, element 2).

In regards to claim 3, Planet 9 Studios discloses that the interaction parameter (See figure 2, Element 2) corresponds to a route marking action (See Figure 2, Element 1).

In regards to claim 12, Planet 9 studios discloses a method for generating a photorealistic, 3-D model of a real life entity, wherein the photorealistic, 3-D model corresponds to a physical structure of the entity and includes information for rendering a graphical representation of the entity (See figure 5). Planet 9 Studios further discloses a method for receiving at least one advertising information item, wherein each advertising information item includes at least one of content information and link information for displaying a corresponding advertisement relative to the photorealistic, 3-D model (See figure 5, Element 1). Planet 9 Studios further discloses a method for displaying a photorealistic, 3-D image of the entity and at least one advertisement, wherein the 3-D image is displayed as a function of the information for rendering a graphical representation of the entity and wherein each advertisement is rendered relative to the 3-D image as a function of the link information (See Figure 5, Element 1).

In regards to claim 13, Planet 9 Studios discloses a method for displaying logos in the 3-D photorealistic entity. (See Figure 5, Element 1)

In regards to claim 14, Planet 9 Studios discloses a trade dress item that includes a color scheme. (See figure 5, Element 2)

In regards to claim 15, it is inherent in Planet 9 Studio's invention that a storage device and a processor are used. The remaining part of the claim is in the same context as claim 12; therefore it is rejected under similar rationale.

Claim 16 is in the same context as claim 13; therefore it is rejected under similar rationale.

Claim 17 is in the same context as claim 14; therefore it is rejected under similar rationale.

In regards to claim 18, it is inherent that a processor is involved in Planet 9 Studios invention. It is also inherent that the processor stores on a storage device a photorealistic, 3-D model of a real-life entity, wherein the photorealistic, 3-D model corresponds to a physical structure of the entity and includes information for rendering a graphical representation of the entity. It is further inherent that the processor transmits, over the information network (i.e. internet), at least one of the photorealistic, 3-D models, the information for rendering the graphical representation of the entity, the advertisement, the advertising information item, the content information, and the link information. It is further inherent that another processor receives, over the information network (i.e. internet), at least one of the photorealistic, 3-D models, the information for rendering the graphical representation of the entity, the advertisement, the advertising information item, the content information, and the link information. And lastly it is inherent that the second processor is adapted to display, from the program memory, a photorealistic, 3-D image of the entity and at least one advertisement, wherein the 3-D image is displayed as a function of the information for rendering a graphical

representation of the entity and wherein each advertisement is rendered relative to the 3-D image as a function of the link information.

In regards to claim 19, Planet 9 Studios discloses that they are using the Internet to transmit the data. (See Figure 1, Element 3).

Claim 20 is in the same context as claim 13; therefore it is rejected under similar rationale.

Claim 21 is in the same context as claim 14; therefore it is rejected under similar rationale.

Claim 22 is in the same context as claim 12; therefore it is rejected under similar rationale.

In regards to claim 26, Planet 9 Studio teaches a method wherein the content information includes at least one of a video content item, an audio content item, and a logo (Figure 5, Element 1).

In regards to claim 27, Planet 9 Studio teaches a method wherein the content information includes at least one of a video content item, an audio content item, and a logo (Figure 5, Element 1).

In regards to claim 28, Planet 9 Studio teaches a method wherein the content information includes at least one of a video content item, an audio content item, and a logo (Figure 5, Element 1).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 4 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Planet 9 Studios in view of Leahy et al. (US 6219045).

In regards to claim 4, Planet 9 Studio teaches all the limitations of claim 1. Planet 9 Studios does not teach a method for interaction between a first party and a second party. Leahy teaches that you can have an interaction parameter that relates to an interaction between a first party and a second party (Figure 1, Element 15). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Planet 9 Studio's invention with the teachings of Leahy in order to obtain an interaction between two different parties with the motivation to provide for graphical interaction between users (Leahy, Column 2, Line 14) and therefore an entertaining experience.

In regards to claim 5, Leahy teaches that two different parties can be represented by an avatar (Figure 1, Element 18).

Claims 6, 9, 30, 31, 34, 36, 37, 40, 42, 43, 44, and 46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Planet 9 Studios in view of Bellesfield et al (US 6498982).

In regards to claim 6, Planet 9 studios discloses a method for generating a photorealistic, 3-d model of the real-life entity, wherein the photorealistic, 3-d model corresponds to a physical structure of the entity and includes information for rendering a graphical representation of the entity (See Figure 1). Planet 9 Studios further teaches a method for determining an orientation relative to the entity, wherein the orientation corresponds to a movement along the route (See Figure 1, Element 2). Planet 9 Studios further teaches a method for displaying a photorealistic, 3-D image of the entity as a function of the orientation and the information for rendering a graphical representation of the entity (See Figure 1). Planet 9 Studios does not teach a method for receiving a first route end point, wherein the first route end point corresponds to a first location relative to the entity. Planet 9 Studios further does not disclose a method for receiving a second route end point; wherein the second route end point corresponds to a second location relative to the entity. Planted 9 Studio also lacks a method for determining a route between the first route end point and the second route end point. Bellesfield teaches that in his invention, "... a user selects, via the user interface, a

departure point and a destination point, the routing component employs the routing database to generate and display a route between the selected departure and destination points. "(Abstract, Line 15). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teaching of Planet 9 Studios with the teachings of Bellesfield in order to obtain a route from the point of origin to the point of destination with the motivation provided for reducing cost and making the trip planning stage much more efficient. (Bellesfield, Column 1, Line 35).

In regards to claim 9, Bellesfield teaches that his invention renders a bit-mapped image (i.e. 2-D effect, Column 2, Line 19).

In regards to claim 30, Planet 9 Studio teaches displaying a photorealistic, 3-d representation of real-life entities as a function of the location specified (See Figure 1). Planet 9 Studios does not teach receiving a request for a route between a first route end point and a second route end point; determining a route between the first route end point and the second route end point; and receiving a parameter specifying a location on the route. Bellesfield teaches that in his invention, "... a user selects, via the user interface, a departure point and a destination point, the routing component employs the routing database to generate and display a route between the selected departure and destination points. "(Abstract, Line 15). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teaching of Planet 9 Studios with the teachings of Bellesfield in order to obtain a route from the point of origin to the point of destination with the motivation provided for reducing cost and making the trip planning stage much more efficient. (Bellesfield, Column 1, Line 35).

In regards to claim 31, Planet 9 Studios and Bellesfield teach all the limitations of claim 30. Planet 9 Studios further teaches displaying route marking information relative to the photorealistic, 3-d representations of real-life entities as a function of the location specified (See Figure 2, Element 1).

In regards to claim 34, Planet 9 Studios and Bellesfield teach all the limitations of claim 30. Planet 9 Studios further teaches updating the photorealistic, 3-D representation of real-life entities as a function of real-time input (See Figure 1, Element 2, as the user presses the "tour" button the screen begins to move in real time to give the user a tour of the virtual city.)

In regards to claim 36, Planet 9 Studios teaches displaying a photorealistic, 3-d representation of real-life entities as a function of the location specified and the orientation (See Figure 1). Planet 9 Studios does not teach receiving a request for a route between a first route end point and a second route end point; determining a route between the first route end point and the second route end point; and receiving a parameter specifying a location on the route; and receiving a second parameter corresponding to an orientation on the route. Bellesfield teaches that in his invention, "... a user selects, via the user interface, a departure point and a destination point, the routing component employs the routing database to generate and display a route between the selected departure and destination points. "(Abstract, Line 15). It could be interpreted that the location and the orientation parameters are just the start and end points of the route. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teaching of Planet 9 Studios with the teachings of

Bellesfield in order to obtain a route from the point of origin to the point of destination with the motivation provided for reducing cost and making the trip planning stage much more efficient. (Bellesfield, Column 1, Line 35).

In regards to claim 37, Planet 9 Studios and Bellesfield teach all the limitations of claim 36. Planet 9 Studios further teaches displaying route marking information relative to the photorealistic, 3-d representations of real-life entities as a function of the location specified and the orientation (See Figure 2, Element 1).

In regards to claim 40, Planet 9 Studios and Bellesfield teach all the limitations of claim 36. Planet 9 Studios further teaches updating the photorealistic, 3-D representation of real-life entities as a function of real-time input (See Figure 1, Element 2, as the user presses the "tour" button the screen begins to move in real time to give the user a tour of the virtual city.)

In regards to claim 42, Planet 9 Studios and Bellesfield teach all the limitations of claim 6. Planet 9 Studios further teaches a method wherein the orientation is part of a series of orientations showing a user perspective during the movement along the route, the user able to interact with the graphical representation of the entity during the movement along the route (See Figure 2, Element 1).

In regards to claim 43, Planet 9 Studios and Bellesfield teach all the limitations of claim 6. Planet 9 Studios further teaches a method wherein the orientation is determined by a user during the movement along the route, the user able to interact with the graphical representation of the entity during the movement along the route (See Figure 2, Element 1).

In regards to claim 44, Planet 9 Studios and Bellesfield teach all the limitations of claim 6. Planet 9 Studios further teaches updating the photorealistic, 3-D representation of real-life entities as a function of real-time input (See Figure 1, Element 2, as the user presses the "tour" button the screen begins to move in real time to give the user a tour of the virtual city.)

In regards to claim 46, Planet 9 Studios and Bellesfield teach all the limitations of claim 9. Planet 9 Studios further teaches updating the photorealistic, 3-D representation of real-life entities as a function of real-time input (See Figure 1, Element 2, as the user presses the "tour" button the screen begins to move in real time to give the user a tour of the virtual city.)

Claims 7, 8, 10, 11, 32, 33, 38, and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Planet 9 Studios and Bellesfield et al (US 6498982) in view of Mapquest.com.

In regards to claim 7, Planet 9 Studios and Bellesfield teach all the limitations of claim 6. They do not teach that the route end point corresponds to an area, intersection, an address, a structure, a store, a residence, or a landmark. Mapquest.com teaches that you can use an address as an end point for the route (See Figure 4, Element 1). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Planet 9 Studios and Bellesfield with the teachings of

Mapquest.com in order to have an address as the end point with the motivation to provide for directions to a certain address.

Claim 8 is in the same context as claim 7; therefore it is rejected under similar rationale.

Claim 10 is in the same context as claim 7; therefore it is rejected under similar rationale.

Claim 11 is in the same context as claim 7; therefore it is rejected under similar rationale.

In regards to claim 32, Planet 9 Studios and Bellesfield teach all the limitations of claim 30. Planet 9 Studio further teaches that real life locations are included in the photorealistic, 3-D representations (See Figure 2, Element 3). Planet 9 Studios and Bellesfield do not teach a method wherein at least one of the first route end points and the second route end points correspond to a real-life location. Mapquest.com teaches that you can use an address as an end point for the route (See Figure 4, Element 1). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Planet 9 Studios and Bellesfield with the teachings of Mapquest.com in order to have an address as the end point with the motivation to provide for directions to a certain address.

In regards to claim 33, Planet 9 Studios, Bellesfield, and Mapquest teach all the limitations of claim 32. Bellesfield and Mapquest do not teach a method wherein the real-life location includes at least one of an area, an intersection, an address, a

structure, a store, a residence, an a landmark. Mapquest.com teaches that you can use an address as an end point for the route (See Figure 4, Element 1).

In regards to claim 38, Planet 9 Studios and Bellesfield teach all the limitations of claim 36. Planet 9 Studio further teaches that real life locations are included in the photorealistic, 3-D representations (See Figure 2, Element 3). Planet 9 Studios and Bellesfield do not teach a method wherein at least one of the first route end points and the second route end points correspond to a real-life location. Mapquest.com teaches that you can use an address as an end point for the route (See Figure 4, Element 1). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Planet 9 Studios and Bellesfield with the teachings of Mapquest.com in order to have an address as the end point with the motivation to provide for directions to a certain address.

In regards to claim 39, Planet 9 Studios, Bellesfield, and Mapquest teach all the limitations of claim 38. Bellesfield and Mapquest do not teach a method wherein the real-life location includes at least one of an area, an intersection, an address, a structure, a store, a residence, an a landmark. Mapquest.com teaches that you can use an address as an end point for the route (See Figure 4, Element 1).

Claim 23, 24, 25, and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Planet 9 Studios in view of Lection et al. (US 6271843).

In regards to claim 23, Planet 9 studios discloses a method for generating a photorealistic, 3-D model of a real life entity, wherein the photorealistic, 3-D model corresponds to a physical structure of the entity and includes information for rendering a graphical representation of the entity (See figure 5). Planet 9 Studios further discloses a method for receiving at least one advertising information item, wherein each advertising information item includes at least one of content information and link information for displaying a corresponding advertisement relative to the photorealistic, 3-D model (See figure 5, Element 1). Planet 9 Studios further discloses a method for displaying a photorealistic, 3-D image of the entity and at least one advertisement, wherein the 3-D image is displayed as a function of the information for rendering a graphical representation of the entity and wherein each advertisement is rendered relative to the 3-D image as a function of the link information (See Figure 5, Element 1). Planet 9 studios does not teach a method for receiving a revenue stream for each advertisement. Lection teaches, "The virtual experience includes displaying advertising placards inside the transportation vehicle, displaying billboards outside the transportation vehicle so as to be viewed by the user... As in the real world, this information may comprise advertising means for generating revenue for the author or provider of the three dimensional virtual environment" (Column 7, Line 16). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify

Planet 9 Studios with the teachings of Lection in order to provide revenue to the provider of the software with the motivation provided for earning money.

In regards to claim 24, Planet 9 Studios discloses a method for displaying logos in the 3-D photorealistic entity. (See Figure 5, Element 1)

In regards to claim 25, Planet 9 Studios discloses a trade dress item that includes a color scheme. (See figure 5, Element 2)

In regards to claim 29, Planet 9 Studio teaches a method wherein the content information includes at least one of a video content item, an audio content item, and a logo (See Figure 5, Element 1).

Claims 35, 41, 45, and 47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Planet 9 Studios and Bellesfield et al (US 6498982) in view of Francini et al. (US 6532011).

In regards to claim 35, Planet 9 Studios and Bellesfield teach all the limitations of claim 34. Planet 9 Studios and Bellesfield do not teach a method wherein the real-time input is received from a digital camera, the digital camera being at least one of a digital still camera and a digital video camera. Francini teaches, "The method allows the creation of 3-D facial models, which can be used, for instance, for the avatar implementation, video-communication applications, video games, video productions, and for the creation of advanced man-machine interfaces. At least one image of a human face is provided together with a 3D facial model (M) having a vertex structure and comprising a number of surfaces chosen within the set formed by a face surface

(V), surfaces of the right eye (OD) and left eye (OS), respectively, and surfaces of the upper teeth (DS) and lower teeth (DI), respectively." (Abstract Line 1). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Planet 9 Studios and Bellesfield with the teachings of Francini and include a method to digitally capture a picture and incorporate in an application with the motivation to provide the user with a more realistic user experience.

In regards to claim 41, Planet 9 Studios and Bellesfield teach all the limitations of claim 40. Planet 9 Studios and Bellesfield do not teach a method wherein the real-time input is received from a digital camera, the digital camera being at least one of a digital still camera and a digital video camera. Francini teaches, "The method allows the creation of 3-D facial models, which can be used, for instance, for the avatar implementation, video-communication applications, video games, video productions, and for the creation of advanced man-machine interfaces. At least one image of a human face is provided together with a 3D facial model (M) having a vertex structure and comprising a number of surfaces chosen within the set formed by a face surface (V), surfaces of the right eye (OD) and left eye (OS), respectively, and surfaces of the upper teeth (DS) and lower teeth (DI), respectively." (Abstract Line 1). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Planet 9 Studios and Bellesfield with the teachings of Francini and include a method to digitally capture a picture and incorporate in an application with the motivation to provide the user with a more realistic user experience.

In regards to claim 45, Planet 9 Studios and Bellesfield teach all the limitations of claim 44. Planet 9 Studios and Bellesfield do not teach a method wherein the real-time input is received from a digital camera, the digital camera being at least one of a digital still camera and a digital video camera. Francini teaches, "The method allows the creation of 3-D facial models, which can be used, for instance, for the avatar implementation, video-communication applications, video games, video productions, and for the creation of advanced man-machine interfaces. At least one image of a human face is provided together with a 3D facial model (M) having a vertex structure and comprising a number of surfaces chosen within the set formed by a face surface (V), surfaces of the right eye (OD) and left eye (OS), respectively, and surfaces of the upper teeth (DS) and lower teeth (DI), respectively." (Abstract Line 1). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Planet 9 Studios and Bellesfield with the teachings of Francini and include a method to digitally capture a picture and incorporate in an application with the motivation to provide the user with a more realistic user experience.

In regards to claim 47, Planet 9 Studios and Bellesfield teach all the limitations of claim 46. Planet 9 Studios and Bellesfield do not teach a method wherein the real-time input is received from a digital camera, the digital camera being at least one of a digital still camera and a digital video camera. Francini teaches, "The method allows the creation of 3-D facial models, which can be used, for instance, for the avatar implementation, video-communication applications, video games, video productions, and for the creation of advanced man-machine interfaces. At least one image of a

human face is provided together with a 3D facial model (M) having a vertex structure and comprising a number of surfaces chosen within the set formed by a face surface (V), surfaces of the right eye (OD) and left eye (OS), respectively, and surfaces of the upper teeth (DS) and lower teeth (DI), respectively." (Abstract Line 1). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Planet 9 Studios and Bellesfield with the teachings of Francini and include a method to digitally capture a picture and incorporate in an application with the motivation to provide the user with a more realistic user experience.

Claims 48-51 are rejected under 35 U.S.C. 103(a) as being unpatentable over Planet 9 Studios in view of www.activeworlds.com.

In regards to claim 48, Planet 9 Studios teaches all the limitations of claim 1. Planet 9 Studios does not teach a method wherein the interaction parameter corresponds to a trip planning action, the trip planning action involving an interaction between a first party and a second party. Activeworlds teaches that you can have an interaction parameter that relates to an interaction between a first party and a second party ("The Siemens' training rooms will feature custom avatars, as well as robotic host avatars with artificial intelligence that will greet users, orient them to navigation, take them on a hospital tour and introduce the Siemens medical product line" See Figure 6). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Planet 9 Studio's invention with the teachings of Activeworlds in order to

obtain an interaction between two different parties with the motivation to provide for a more enjoyable and interactive user experience.

In regards to claim 49, Planet 9 Studios and Activeworlds teach all the limitations of claim 48. Planet 9 Studios does not teach a method wherein at least one of the first party and the second party is represented by an avatar in the photorealistic, 3-d image. Activeworlds teaches, "The Siemens' training rooms will feature custom avatars, as well as robotic host avatars with artificial intelligence that will greet users, orient them to navigation, take them on a hospital tour and introduce the Siemens medical product line" (See Figure 6).

In regards to claim 50, Planet 9 Studios teaches all the limitations of claim 1. Planet 9 Studios does not teach a method wherein the interaction parameter corresponds to a route marking action, the route marking action involving an interaction between a first party and a second party. Activeworlds teaches that you can have an interaction parameter that relates to an interaction between a first party and a second party ("The Siemens' training rooms will feature custom avatars, as well as robotic host avatars with artificial intelligence that will greet users, orient them to navigation, take them on a hospital tour and introduce the Siemens medical product line" See Figure 6). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Planet 9 Studio's invention with the teachings of Activeworlds in order to obtain an interaction between two different parties with the motivation to provide for a more enjoyable and interactive user experience.

In regards to claim 51, Planet 9 Studios and Activeworlds teach all the limitations of claim 50. Planet 9 Studios does not teach a method wherein at least one of the first party and the second party is represented by an avatar in the photorealistic, 3-d image. Activeworlds teaches, "The Siemens' training rooms will feature custom avatars, as well as robotic host avatars with artificial intelligence that will greet users, orient them to navigation, take them on a hospital tour and introduce the Siemens medical product line" (See Figure 6).

Response to Arguments

Applicant's arguments, see Pages 13 and 14, filed 05/10/2004, with respect to 35 U.S.C. 112 have been fully considered and are persuasive. The 35 U.S.C. 112 rejection of claims 13, 14, 16, 17, 20, 21, 24, and 25 has been withdrawn.

Applicant's arguments filed 5/10/2004 have been fully considered but they are not persuasive.

The applicant argues:

a. The Planet 9 Studio screen shots were not publicly posted.

b. The Planet 9 Studios screen shots do not have a publication date.

c. The Planet 9 Studios screen shots are often discernable and cannot be appropriately reviewed.

d. Planet 9 Studios and Bellesfield do not teach determining an orientation relative to the entity, wherein the orientation corresponds to a movement along a route as per claim 6 and 9.

e. There is no motivation to combine Planet 9 Studios and Bellesfield.

f. There is no motivation to combine Planet 9 Studios and Lection.

g. The Examiner makes no specific mention of a published feature of Mapquest.

As per argument (a), the examiner admits that some of the web pages that we accessed by him at the time of the first Office action are no longer accessible. However; they were accessible at the time, and the screen shots were directly from the web browser. In lieu of the fact that they are no longer accessible, the Examiner points out that all of the web pages cited are still currently accessible by using waybackmachine or (http://www.archive.org/).

As per argument (b), the examiner disagrees with the applicant that the screen shots do not have a publication date. The copyright date is the publication date. The Examiner agrees with the Applicant that web pages are dynamic, however the Examiner points out that when web pages are updated, so are the copyright dates.

As per argument (c), the Examiner agrees that the screen shots are a bit dark. However these screen shots are discernable to the Examiner, therefore the Examiner does not agree with the applicant that they can not be appropriately reviewed. The Examiner invites the Applicant to further log on to those pages, in the screen shots, by using http://www.archive.org/ to clear up any indiscernible material.

As per argument (d), the examiner disagrees with the Applicant's assertion that Planet 9 Studios and Bellesfield do not teach determining an orientation relative to the entity, wherein the orientation corresponds to a movement along a route. When the user selects the "tour button" the three-dimensional space is moved along a path and the orientation is determined with the aid of the signs throughout the map along with textual information on the left side of the screen.

As per argument (e), the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988)and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Bellesfield provides a clear motivation to combine in saying that his method would help in reducing cost and making the trip planning stage much more efficient. (Bellesfield, Column 1, Line 35).

As per argument (f), the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988)and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Planet 9 Studios teaches vehicles in its three dimensional models (See Figure 3).

Lection teaches that you can place advertisements on vehicles to generate revenue. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Planet 9 Studios and Lection with the motivation to create a revenue stream in order to earn money. The Examiner believes that earning money is considered knowledge generally available to one of ordinary skill in the art.

As per argument (g), the Examiner does not clearly understand to what the Applicant is referring to. All of the features stated in the Office action are in the screen shots.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Inquiry

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Boris Pesin whose telephone number is (703) 305-8774. The examiner can normally be reached on Monday-Friday except every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid can be reached on (703) 308-0640. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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